

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

NO. 03-445C

JUDGE NANCY B. FIRESTONE

FILED

APR 7 2003

U.S. COURT OF
FEDERAL CLAIMS

by Leave of the Judge

TEXAS PEANUT FARMERS: BILLY M.)
 BARNES; JACOB F. BOSCHMAN; DARRELL)
 WAYNE BROWN; WILLIAM DWAIN)
 CARROLL; RANDY D. DECKER; LORAIN)
 FISCHER ESTATE; BILL GAYLE; JAY)
 GRIMSHAW; DAVID and PAM GROSCHKE;)
 MELVIN O. ISELT; LORINE B. ISELT; TOMMY)
 JOHNSON; PORTER JONES; LUTHER DON)
 KEITH; ROBERT D. KEITH; RONALD SCOTT)
 KOONCE; LOYAL LASITER; R. S.)
 LAWRENCE; DAVID GENE LEHMANN;)
 PHILIP S. LEWIS; J. W. LOGAN; TERRY M.)
 MATHIS; TIMOTHY L. MATTHEWS; BILLY R)
 MEADORF; TOMMIE R. MERCER; SAMMY)
 MORGAN; DELBERT L. OTWELL; LEON A.)
 PELZEL; GLYNN PENNINGTON; MIKE)
 QUATTRIN; WALTER DONALD REGISTER;)
 ELMER WAYNE REYNOLDS, JR.; JOE)
 ROBINSTON ESTATE; GWEN SCARBROUGH;)
 JIMMY SEAY; BILLY W. SHANNON; BILLY)
 NEAL SHANNON; TERRY LEE STACY;)
 BRADLEE DAVIN STACY; TROYAT)
 UNDERWOOD; CLARENCE C.)
 WASCHSMANN; SUVELLA WALKER; JULIUS)
 WELLS ESTATE; WANDA WINTER; PEGGY S.)
 WOODS; HEIDI and JOE ED WORD; A.L.H.M.)
 Inc; F.A.C.E., INC.; WADE PENNINGTON &)
 SONS FARMS, FN 4798; WADE PENNINGTON)
 & SONS FARMS, FN 5868; M. E. WATSON)
 FARMS, INC.; **GEORGIA PEANUT FARMERS:**)
 BRADFORD L. CARROLL; EDWIN CLARK;)
 MICHAEL H. COBB; WALTER L. DAVENPORT;))
 TREY HAMILTON DUNAWAY; JOHN L.)
 EUBANKS; ERIC S. GIBBS; JOSEPH GWINES;)
 ROBIN GWINES; DANNY W. HAWKINS;)
 STEVE E. HOUSTON; CHARLES L. ISRAEL;)
 JUSTIN ISRAEL JOHNSON; WILLIAM G.)
 JONES; LARRY JONES; SHERWOOD T. KING;)
 ROBERT A. LANCASTER; JIMMY M.)
 McCLURE; ANN G. McCLURE; ROYCE)
 McCRARY; TIMOTHY E. McMILLAN;)

**AFFIDAVIT OF SERVICE
OF COMPLAINT ON
ROSS J. DAVIDSON**

A TRUE COPY:
 TEST: APR 7 2003
 BRIAN BISHOP
 Clerk, U.S. Court of Federal Claims
 By *[Signature]*
 Deputy Clerk

[Signature]

MARVIN MOSS; CLIFFORD L. OLIVER;)
WILLIE J. PROTHO; BILLY SENKBEIL; DAN)
W. SMITH; CHARLES E. SMITH, JR.; EUGENE)
WILLIAMS; and GRIGGS FARMS; **ALABAMA**)
PEANUT FARMERS: TERRY E. BEASLEY;)
LLOYD D. BRYANT; ELAINE O. BRYANT;)
LARRY WOOD MARSHALL; **FLORIDA**)
PEANUT FARMERS: JAMES C. BARNES;)
BRUCE GODWIN; JOSEPH M. DIAMOND;)
DONNIE FRANK LWRY; ALLAN EDWARDS;)
SOUTH CAROLINA PEANUT FARMERS:)
WALLACE A. BERRY; WILLIAM R. MARSH;)
and OTHERS SIMILARLY SITUATED,)
Plaintiffs,)
)
vs.)
)
ROSS J. DAVIDSON, ADMINISTRATOR FOR)
RISK MANAGEMENT AGENCY, RISK)
MANAGEMENT AGENCY, UNITED STATES)
OF AMERICA, ANN M. VENEMAN,)
SECRETARY OF AGRICULTURE FOR THE)
UNITED STATES OF AMERICA, UNITED)
STATES DEPARTMENT OF AGRICULTURE,)
RON BERRYHILL, RMA REGIONAL OFFICE)
DIRECTOR, Oklahoma City, Oklahoma; and)
MIKE MOORE, RMA REGIONAL OFFICE)
DIRECTOR, Valdosta, Georgia,)
Defendants.)

The undersigned, being duly sworn, deposes and says as follows:

1. That I am Plaintiffs' counsel in this case, over the age of eighteen, under no legal disabilities, and qualified to provide this affidavit.
2. That a Complaint was filed against the Defendants and subsequently was served on Ross j. Davidson, Administrator for Risk Management Agency, of USDA, Certified Mail, Return Receipt Requested on March 12, 2003. The postal registry receipt is attached hereto and incorporated herein by reference as evidence of service of process.
3. That the above statements are true to the best of my knowledge and belief.

This the 21st day of March, 2003.

BOYCE & ISLEY, PLLC

R. Daniel Boyce

R. Daniel Boyce
N.C. State Bar #12394
Attorneys for Plaintiff
Post Office Box 1990
Raleigh, NC 27602-1990
Telephone: (919) 833-7373
Facsimile: (919) 833-7536

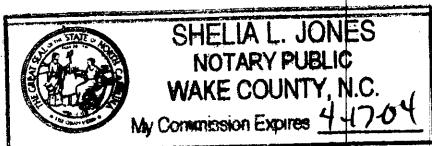
Sworn to and subscribed before me

this the 21st day of March, 2003.

Shelia L. Jones

Notary Public

My commission expires: 4-17-04



CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that I have served a copy of the foregoing **Affidavit of Service of Complaint on Ron Berryhill** by regular, first-class United States mail, postage fully prepaid, addressed to the last known address to me as follows:

Ann M. Venman
Secretary, U. S. Department of Agriculture
200-A Whitten Building
1400 Independence Avenue, S.W.
Washington, DC 20250

The Honorable John Ashcroft
United States Attorney General
511 Main Justice Building
Washington, DC 20530

Mr. Ron Berryhill
Director - Oklahoma City, OK
USDA-RMA
205 NW 63rd St., Ste. 170
Oklahoma City, OK 73116

Mr. Mike Moore
Director - Valdosta, GA
USDA-RMA
106 S. Patterson St., Ste. 250
Valdosta, GA 31601-5609

Mr. Ross Davidson
Administrator, Risk Management Agency
1400 Independence Avenue, SW
Stop 0801
Washington, DC 20250-0805

This the 21st day of March, 2003.

R. Daniel Boyce
R. Daniel Boyce
N.C. State Bar No. 12329
Post Office Box 1990
Raleigh, North Carolina 27602-1990
Telephone: (919) 833-7373
Facsimile: (919) 833-7536

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ross J. Davidson, Admin.
 RMA
 1400 Independence Ave.
 SW
 Stop 0801
 Washington, DC 20250-
 0805

2. Article Number

(Transfer from service label)

7099 3408 0016 7981 7241

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Agent Addressee

B. Received by (Printed Name)

PAT WHITSETT 3-12-03

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, August 2001

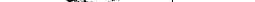
Domestic Return Receipt

102595-02-M-1035

Docket No. *100-100-100*

UNITED STATES COURT OF FEDERAL CLAIMS

MEMORANDUM

TO: JUDGE 
FROM: CLERK'S OFFICE

The attached was received on 3-31-88
and the following defect(s) is/are noted:

1. _____ Untimely, due to be filed by _____ [Rule 7.1]

2. _____ Proof of service: [Rule 5.1]
_____ is missing; _____ is not signed and/or dated;
_____ shows service on wrong attorney or of wrong item;
_____ is not attached to each document or copy

3. _____ Not signed by the attorney of record [Rules 11 and 83.1(c)(2)]

4. _____ Does not comply with the provisions of Rule:
_____ 5.2(a)(1)(A) Re: table of contents or index to appendix is missing (or in wrong location)
_____ 5.2(a)(1)(G) Re: index to appendix is to be located in both the front of the brief and in front of the appendix
_____ 5.2(b) Re: length of briefs or memorandum
_____ 5.3(c) Re: binding
_____ 5.3(d) Re: original/copies missing
_____ 5.3(g) Re: Judge's name on all filings
_____ 7(b) Re: brief, supporting memorandum, affidavits shall be attached to motion
_____ 56(h) Re: proposed findings and/or response to proposed findings is missing or not a separate document
_____ 56.1(b) Re: statement of facts and/or counter-statement of facts is missing or not a separate document
_____ 77.1(a) Re: improper use of the night box
_____ 83.1(c)(1) Re: one attorney for a party; attorney to be an individual not a firm
_____ ✓ Re: caption of defendant

5. _____ Original affidavit(s)/declaration(s) is/are missing

6. _____ No provision in the Rules for the filing of this item

7. _____ Reserve to Rule 5.1

Deputy Clerk